S.B.Cr.Misc. Bail App. No.5063/2007

(Kalu Vs. State of Rajasthan)

Date of order : November 15, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.N.K.Rastogi, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the challan papers. I have also gone through the statements of the prosecution witnesses.

Some of the prosecution witnesses did not support the prosecution case. However, PW.4 Mangu, father of deceased in his examination-in-chief has stated that after the marriage of his daughter, the deceased, the petitioner demanded a motorcycle. However, in cross-examination, he has stated that the demand of motorcycle was five years back and thereafter, he stated that it is true that the petitioner did not demand the motorcycle. At any rate, in close proximity of the death of the deceased, there had not been any demand of dowry as stated by learned counsel for the petitioner.

Be that as it may, without commenting on the merit of the

case, having regard to the facts and circumstances of the case and keeping in view the statement of father of the deceased PW.4 Mangu, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Kalu s/o Magji be released on bail in FIR No.311/2006, P.S. Kushalgarh, Banswara provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-